



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: CODE OF CONDUCT		Chapter 1	Number 1	# Pages 22
References: CALEA Standards: 1.1.1, 1.1.2, 1.2.7, 1.2.10, 4.2.3, 12.1.3, 22.1.8a, 22.1.8b, 22.1.8c, 26.1.1, 26.1.4a, 26.1.4b, 26.1.4c, 26.1.5, 26.3.7, 33.1.2 City Code 2-272, 2-1293 VA Code: §15.2-1512.2, 19.2-83.6, 46.2-100 Administrative Regulations: 4.10 Personnel Rules: 5.1, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10	Related Orders: 1-5, 1-6, 1-7, 3-9, 4-4, 4-9, 6-10, 6-12, 7-21	Effective Date: 08/29/2023 Revised By: PD-132 Prv. Rev. Date: 04/18/2022		
Chief of Police <div style="text-align: center; font-family: cursive; font-size: 1.2em;">  </div>				

I. PURPOSE

The purpose of this directive is to establish a basis of conduct for all members of the Richmond Police Department. It is recognized that rules, regulations, policies and procedures cannot be prescribed for every specific action or circumstance encountered by Department members. In emergencies, or situations not addressed in this order, the individual is expected to use his/her own discretion governed by sound judgment. The rules contained in this order are issued under authority granted by City Code 2-272. All Department members shall be familiar with these rules. [CALEA 1.2.7]

II. SUMMARY OF CHANGE

This revision clarifies when an employee must inform a supervisor after learning of or observing alleged misconduct or policy violations. All changes will be bold and italicized through the text.

III. POLICY

It is the policy of the Richmond Police Department to ensure that the performance of its members is characterized by lawful police actions that are carried out in an exemplary fashion. To this end, the Richmond Police Department expects its personnel to maintain the highest standards of appearance and conduct at all times, while on duty or off duty.

Violations of the City of Richmond’s Administrative Regulations, Code of Conduct, General Orders, Executive Orders, City of Richmond’s Personnel Rules, City of Richmond’s Ordinances, and/or laws of the Commonwealth of Virginia or the United States of America shall result in disciplinary or personnel action as defined in this policy. The disciplinary action taken will depend on the severity of the offense, the record of the offender, and the seriousness of the consequences of the violation.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

V. DEFINITIONS

- A. **COMPLIANCE WITH RULES** – Members of the Department are required to comply with any rule that corresponds with their level of authority and responsibility.
- B. **CORRECTIVE ACTIONS** – Oral admonishments, counsels, training, close supervision, special performance evaluations, action plans or transfer recommendations to Commander, Captain or civilian supervisor. [CALEA 26.1.4a]
- C. **DISCIPLINARY AUTHORITY** – A supervisor in the Department who is authorized to administer a certain action within the Chain of Command.
- D. **DISCIPLINARY ACTIONS** – May include a written reprimand, suspension, reduction in pay, forfeiture, demotion or dismissal/termination.
- E. **HARASSMENT** – A course of action or conduct composed of a series of aggravated acts, over a period of time, however short, which indicates a continuity of purpose directed at a specific person or group of persons which serves no legitimate purpose.
- F. **MEMBERS OF THE DEPARTMENT** – The term "Member of the Department" is inclusive of both sworn and non-sworn personnel whether full-time, part-time, grant-funded or contractual.
- G. **MORAL TURPITUDE** – An intentional act or behavior displayed in words or actions that violates public morals or the common sense of the community, including but not limited to, intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or intentional or reckless infliction of harm to person or property.
- H. **PERSONNEL ACTIONS** – May include probation, counseling, training, close supervision, a special performance evaluation, transfer, demotion or termination. [CALEA 26.1.4a]
- I. **RULES OF CONDUCT** – The governing rules of conduct for the ethical, legal, and moral conduct of all members of the Richmond Police Department.

- J. SWORN OFFICERS – The term “Sworn Officer” is inclusive of “Law-enforcement officers” defined in VA CODE §46.2-100 as “any officer authorized to direct or regulate traffic or to make arrests for violations of [that] title or local ordinances authorized by law.”

VI. PENALTIES

- A. COUNSEL – A verbal statement, followed in written form (PD-40, Counsel and Assistance) and acknowledged by the employee, made to the employee intending to improve job performance or job related behavior per City Personnel Rule 5.1. The written document will become a permanent part of the employee’s personnel file. Counseling is not a disciplinary action and is not grievable. When using form PD-40, only the supervisor who discusses the performance/behavior should sign the form. [CALEA 26.1.4b]
- B. REPRIMAND – A written disciplinary statement (PD-2I) by the DRO made to an employee concerning his/her job performance or job related behavior. Each such reprimand shall be confirmed by memorandum from the DRO to the employee, with a copy of the memorandum being placed in the employee’s personnel file in the Department of Human Resources, delivered to the employee and sent to the Appointing Authority and/or designee. This memorandum shall provide reasons for the reprimand and specific examples of violations, infractions, performance issues or personal conduct. The affected employee shall receive the original copy of the reprimand. Copies of the reprimand shall also be placed in the employee’s Central Human Resource, and Police Personnel files. The employee may attach written correspondence for inclusion in the record within seven (7) calendar days of receipt of a written reprimand. Reprimands are subject to the grievance process. (Personnel Rule 5.5) [CALEA 26.1.4c]
- C. SUSPENSION – The temporary removal of an employee from duty and pay status for cause. All disciplinary suspensions are without pay and are for a specified period of time. Suspensions are subject to the grievance process. (Personnel Rule 5.6) [CALEA 4.2.3, 26.1.4c]
- D. DEMOTION – The placement of an employee in a position in a lower class for which a lower maximum rate of pay is authorized. As a disciplinary measure, the Chief of Police may recommend that an employee be demoted to a lower classification. Disciplinary demotions are subject to the grievance process. (Personnel Rule 5.8) [CALEA 26.1.4c]
- E. TERMINATION/DISMISSAL – The removal of an employee from city service. Once it has been determined that an employee’s conduct/behavior warrants separation, the Chief of Police shall recommend to the Chief Administrative Officer that the employee be terminated/dismissed. The employee shall be informed in writing of the charges and shall be given the opportunity for a pre-disciplinary/pre-termination conference. (Personnel Rule 5.9). [CALEA 26.1.4c, 52.2.7]
- F. REDUCTION IN PAY – The reduction of an employee’s pay within the employee’s assigned pay range. (Personnel Rule 5.7) [CALEA 26.1.4c]

- G. FORFEITURE – The involuntary separation of employment due to a conviction by final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude or any felony or any misdemeanor involving possession of marijuana or any controlled substance. The employee shall lose all rights of employment and future employment with the City service and the employee shall have no right to appeal. All determinations for forfeiture of position require a review by the City Attorney’s Office. (Personnel Rule 5.10)

VII. RESPONSIBILITIES

- A. It shall be the responsibility of each member of the Richmond Police Department to comply with the Rules of Conduct as defined within this document.
- B. The positive public image, which the City of Richmond strives to develop with citizens, is fashioned by our adherence to high standards of personal conduct. Police officers wield considerable power over the public in order to provide our services. The Department’s enforcement responsibilities and activities result in our members being the most visible form of government representing the City of Richmond. Police powers are carefully balanced and circumscribed by federal, state, and local laws, and, ultimately, by the U.S. Constitution and Bill of Rights. Police powers to arrest, seize property, and lawfully interfere with the lives of citizens must be accomplished with public trust. We regard this trust as vital to our success and we must protect this confidence through exemplary performance at all times.
- C. City of Richmond Administrative Regulation 4.21 Anti-Retaliation Policy, states in part, the City of Richmond is committed to prohibiting retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace. The City of Richmond encourages employees to make good faith inquiries regarding conduct they believe may be unethical and/or illegal, and to disclose work-related misconduct. Retaliation as a response to such inquiries or disclosures constitutes a serious violation of City policy and will not be tolerated. Any employee who is found to be in violation of Administrative Regulation 4.21 shall be subject to disciplinary action up to and including termination.

VIII. LAW ENFORCEMENT CODE OF ETHICS

[CALEA 1.1.1, 1.1.2]

All sworn officers are required to swear to an oath of allegiance upon becoming a member of the Richmond Police Department. This oath includes a pledge to lead their lives in accordance with the Law Enforcement Code of Ethics. Richmond Police Officers shall manage their affairs in such a manner as to maintain a high degree of integrity in their public and private lives, as required by the Law Enforcement Code of Ethics:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land and the regulations of my Department. Whatever I see or hear of a confidential nature that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of duty.

I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions with no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust, to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession--law enforcement."

IX. VIOLATION OF RULES

Department members shall not commit any acts or omit any acts that constitute a violation of any of the City of Richmond's Administrative Regulations, Code of Conduct, General Orders, Executive Orders, City of Richmond's Personnel Rules, City of Richmond's Ordinances, and/or laws of the Commonwealth of Virginia or the United States of America, whether stated in this policy or elsewhere. A violation of any such rule, regulation, directive or order is a disciplinary offense and subjects the violator to disciplinary action. It is necessary to be specific when drafting charges. The particular offense committed and the specific rule violated must always be specified.

X. RULES OF CONDUCT

[CALEA 26.1.1]

A. **AUTHORITY OF ORDERS/INSUBORDINATION** – Members of the Department will obey all lawful orders issued to them by supervisors of a higher rank. This includes orders relayed from a supervisor by an employee of the same or lesser rank. Unjustified bypassing of rank in the chain of command or the non-exigent circumvention of the chain of command may constitute insubordination. (Failure to obey a lawful order is a clear case of misconduct. The only question that may arise is whether the order is lawful or is in conflict with another order. This situation is addressed in section C.)

B. **ISSUING LAWFUL ORDERS** – Department supervisors will not knowingly or willfully issue any order in violation of a law, ordinance, rule or order of the United States, Commonwealth of Virginia, City of Richmond or the Richmond Police Department.

[CALEA 12.1.3]

C. **CONFLICTING OR ILLEGAL ORDERS**

[CALEA 12.1.3]

1) Employees, who are given an otherwise proper order that is in conflict with a previous order, rule, regulation or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.

Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

- 2) Employees shall not obey any order that they know, or should know, would require them to commit any illegal act. If in doubt as to the legality of an order, the employee shall request the issuing supervisor to clarify the order or to confer with higher authority. (This section provides procedures for an employee to follow if he/she is given an order that conflicts with other orders or is issued an order that the employee considers to be illegal. If an employee receives conflicting orders, the employee must notify his/her supervisor so that the conflict may be resolved. Failure to do so may render the employee liable for disobedience of both the order and this section. An employee who receives an order that he/she reasonably believes would require him/her to commit an illegal act must at least question that order, and refuse to obey it if not satisfied as to its legality. An employee may not be disciplined for questioning the legality of an order.)

D. IMMORAL CONDUCT – Department members shall maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude that impairs their ability to perform as law enforcement employees or causes the Department to be brought into disrepute.

E. UNBECOMING CONDUCT – Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Department. Before charging an employee with “unbecoming conduct”, the supervisor should examine all other rules to ascertain whether a specific rule violation is applicable. If a particular rule applies, it should be used instead of “unbecoming conduct”.

F. CONFORMANCE TO LAWS

- 1) Employees shall obey all laws of the United States and of any state and local jurisdiction in which the employees are present.
- 2) Any conviction for a violation of law shall be prima facie evidence of a violation of this section and will constitute a basis for disciplinary action which may include job forfeiture.
- 3) Any member of the Department who is charged with a traffic infraction (excluding parking violations), or learns that he/she may be the defendant in any criminal action, shall report such action to the Chief of Police, in writing through channels, without delay. (The Policy and Procedure Manual outlines the responsibilities of employees who are served with lawsuit papers.) (This section is also a general provision. Subsection A is intended to establish clearly that violation of any law is a departmental disciplinary offense as well as an illegal act subjecting the violator to criminal penalties. It is not necessary, under this section, to establish that the illegal act in any way affects Department operation or that the employee may be convicted of the crime. However, the rule must be applied with caution, especially where the criminal act is minor (i.e., minor non-hazardous traffic violations.)

- G. REPORTING FOR DUTY – Department members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly dressed and equipped in accordance with Department guidelines. As appropriate, while on duty, members shall have in their possession: police identification, a valid driver’s license while operating a motor vehicle, an approved service weapon (sworn officers), and be cognizant of information required for the proper performance of duty so that they may immediately assume their duties. (Because many police operations function on a shift basis around the clock, it is important that members going on duty be prompt and prepared to assume their duties as soon as the earlier shift is relieved.) [CALEA 33.1.2]
- H. LEAVE – All members absent from duty will be placed in an official leave status as prescribed by the City of Richmond’s Personnel Rules. Department members shall be present for duty, unless a supervisor has approved the leave. In emergency situations, Department members will notify their supervisors as soon as practical and request leave.
- I. FICTITIOUS ILLNESS OR INJURY REPORTS – Unless incapacitated, all members of the Department will notify their immediate supervisor, as soon as practical, of any injury or illness occurring while on duty. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health. (While there is a specific rule for reporting illness, with medical certification required in some instances, this section adds administrative penalties to the false report of illness or injury. This section is also aimed at preventing false claims of injury for purposes of workman’s compensation or disability retirement.)
- J. NEGLECT OF DUTY – Department members shall not neglect or be inattentive to duty. Neglect of Duty may be demonstrated by an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee’s rank, grade, or position; or the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving attention.
- K. LEAVING DUTY POST – Department members shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority. Officers shall keep the Division of Emergency Communications (D.E.C.) advised of any change in their location. (An officer’s failure to remain on his/her assigned post can have serious repercussions that endanger the safety of other officers and the public.)
- L. SLEEPING ON DUTY – Department members shall remain awake while on duty. If unable to do so, an employee shall so report to his/her supervisor, who shall determine the proper course of action.
- M. SEXUAL ACTIVITY ON DUTY – Engaging in sexual activity while on duty is prohibited.
- N. UNSATISFACTORY PERFORMANCE – Department members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain

the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced.

- O. COWARDICE – Police employees will not display any behavior that indicates cowardice in the line of duty. Unless incapacitated, members of the Department will aid, assist, and protect fellow Department members, other Law Enforcement members and citizens in time of danger or under conditions where danger is imminent.
- P. POSSESSION AND USE OF DRUGS – Employees shall not possess or use any controlled substances, narcotics, or hallucinogens, except when prescribed in the treatment of the Department member by a physician or dentist. If a Department member is required to take prescription medication, it shall be his/her responsibility to ascertain if the medication could affect or impair the employee’s ability to perform his/her duty. If so, the Department member shall notify his/her supervisor.
- Q. ALCOHOLIC BEVERAGES AND DRUGS IN POLICE FACILITIES – Employees shall not store or bring into any police facility or vehicle any alcoholic beverages, controlled substances, narcotics or hallucinogens, except those which are held as evidence or investigation.
- R. USE OF ALCOHOL WHILE ON DUTY OR IN UNIFORM – Department members shall not consume intoxicating beverages while on duty or while in uniform. It is recognized that certain undercover and/or investigative operations may necessitate an officer to consume moderate amounts of alcohol; however, he/she may do so only while acting under proper and specific orders from a supervisory officer. Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath (See also City Substance Abuse Policy). This section prohibits employees from drinking alcohol while on duty or in uniform except when under orders to do so.
- S. USE OF ALCOHOL OFF-DUTY
 - 1) Members of the Department, who are on call back status, will not drink alcoholic beverages or consume any other intoxicants.
 - 2) Members, while off-duty, shall refrain from consuming intoxicating beverages to the extent that their impairment or intoxication:
 - a. Results in obnoxious or offensive behavior which discredits them or the Department; or,
 - b. Renders the employee unfit to perform his/her next regular tour of duty.
- T. USE OF TOBACCO – Members of the Department will observe all existing City policies and regulations regarding smoking in the workplace. Further, members of the Department will not use any tobacco products, while in direct contact with the public, while operating a city vehicle or while in a public building or a police facility. The member should be aware that smoking is a health concern for some individuals and therefore he/she should refrain from smoking in public.

U. GIFTS AND GRATUITIES AND BUSINESS OPPORTUNITIES

Members of the Department shall not:

1. Offer or accept anything of value for or in consideration of obtaining the employment, appointment, or promotion of any person with any governmental or advisory agency;
2. Offer or accept any money or thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;
3. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence the employee in the performance of official duties;
4. Accept any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of official duties;
5. Accept a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor;
6. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain; or,
7. Accept, directly or indirectly, any gift or present from any person engaged in or suspected of any illegal activity.

V. ABUSE OF POSITION

1. Department members shall not use their official position, official identification cards or badges for personal or financial gain, for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding consequences of illegal acts.
2. Members shall not lend to another person, their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.
3. Members of the Department will not engage in any activity, which conflicts in any way with the objectives of the Department, damages the Department's image, or compromises its law enforcement authority.

W. ENDORSEMENTS AND REFERRALS

1. Department members shall not recommend or endorse in an official capacity the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing

service, bondsman, mortician, etc.) In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, employees shall proceed in accordance with established Department procedures. In order to avoid any possibility of the appearance of conflict of interest or “kickback” arrangements, employees must be prohibited from recommending particular products or services related to the performance of their duties.

2. Department members shall not authorize the use of their names, photographs, or official titles that identify them as police employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

X. ASSOCIATIONS

Employees shall avoid regular or continuous associations or dealings with persons, whom they know or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Department for involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of their personal relationships to the employee.

Y. VISITING PROHIBITED ESTABLISHMENTS

Employees shall not knowingly visit or frequent an establishment where the laws of the United States, the Commonwealth of Virginia, or the City of Richmond are regularly violated, except in the performance of duty or while acting under proper and specific orders from a supervisor.

Z. GAMBLING

Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.

AA. STATEMENTS AND APPEARANCES

[CALEA 26.1.1]

1. Employees shall not criticize or ridicule the Department, its policies, or other employees by speech, writing, rumor, or other expression, where such speech, writing, rumor, or other expression is defamatory, obscene, and unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
2. Department members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department, while presenting themselves as representing the Department in such matters, without proper authority.

(This section recognizes the employee's First Amendment rights to freedom of speech, as well as the need for the Department to operate without unlawful or destructive criticism. A blending of these factors is present in the rule, which has been upheld in the courts. The second segment of the rule limits employees' statements, when employees are holding themselves out as representing the Department.)

BB. IDENTIFICATION

1. Sworn members shall carry their badges and identification cards on their persons at all times while on duty except when impractical or dangerous to their safety or to an investigation. [CALEA 22.1.8a]
2. Whether over the phone or in person, members shall furnish their name and title to any person requesting that information, when they are on duty or while representing themselves as a police employee, except when the withholding of such information is necessary for the performance of duties or is authorized by proper authority. [CALEA 22.1.8c]
3. Members shall display their identification card and badge when necessary in the course of Department business. [CALEA 22.1.8b]
4. Every Richmond Police Department employee must have a Police ID displaying photo and correct Department identifying information consisting of the employee's name, title, and code number. [CALEA 22.1.8b]

CC. COURTESY – Employees shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, gender, or any personal characteristics.

DD. POLITICAL ACTIVITY

1. Any member of the Department, either individually or as a member of a group or political organization, may take part in a campaign of any political organization seeking the election of candidates or any individual political candidate for office provided that the Department member is off duty and not on the Department's premises. Uniformed members may not be in uniform when engaging in such activity. No such political activities by a member of a group or organization shall be carried on in the name of the City or any department, bureau, division or agency thereof, or by any group of employees in the police department. (Virginia Code §15.2-1512.2)
2. No member of the Department shall use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, and no member of the Department shall directly or indirectly coerce, attempt to coerce, command, or advise another member of the Department, or any employee of the City, to pay, lend, or

contribute anything of value to a party, committee, organization, agency or person for political purposes.

3. No sworn officer in either a classified or unclassified position with the City shall continue in such position, after being elected to any public office elected by voters of an election district which includes all or a part of the City of Richmond, or by the voters at large of the city for a constitutional office serving only the City of Richmond. (This rule is derived from section 2-1293 of the City Code AND Virginia Code §15.2-1512.2 (B) and (C)).
4. No non-sworn employee in a classified position with the City shall continue in such position, after becoming a candidate for nomination or election to any public office elected by voters of an election district which includes all or a part of the City of Richmond, or by the voters at large of the city for a constitutional office serving only the City of Richmond. (This rule is derived from Section 2-1293 of the City Code).
5. Department members shall not use Department or City funds or supplies for political purposes or solicitation for activities or causes not related to their job (City Administrative Regulation 1.2).
6. Electioneering in any City office, building, or premises during working hours is prohibited. (This rule is derived from Section 2-1293 of the City Code.)

EE. LABOR ACTIVITY

Employees have the right to join labor organizations but employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

FF. CONFIDENTIALITY (Dissemination of Information) – No member shall reveal police information outside the Police Department except as provided elsewhere in this manual or as required by law or competent authority. Information contained in police records, information ordinarily accessible only to members; and names of informants, complainants, witnesses and other persons known to the police are considered confidential. Unauthorized copying or duplication of official records is prohibited. No Department member shall knowingly communicate, by any means, to any person, information which may assist any person to escape arrest or punishment, prepare for raids or destroy or conceal evidence (money, property or information sought by the police).

GG. INTERVENTION/INTERFERENCE – Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:

1. Ordered to intervene by a supervisory officer, or
2. Pursuant to Virginia Code §19.2-83.6:
 - a) Any officer who, while in the performance of his/her official duties, witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. Additionally, the officer shall render aid, as circumstances reasonably permit, to any person injured as the result of the use of excessive force.
 - b) Any officer who intervenes or witnesses an officer engaged in such behavior shall report the incident to his/her supervisor. See also Rules of Conduct #10 Neglect of Duty, #22 Abuse of Position, #37 Use of Force, #39 Treatment of Persons in Custody, and #45 Duty to Inform.
 - c) All employees have a responsibility to take appropriate action in circumstances that involve fellow employees, as well as other public safety associates whose actions are criminal, unconstitutional, or inappropriate and will harm the reputation of the agency or the law enforcement profession as a whole. [CALEA 1.2.10]

NOTE: No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against an officer who intervenes or reports any of the above.

HH. TRUTHFULNESS – Department employees are to speak or write the truth at all times, whether on or off duty, whether under oath or not, in giving testimony, or in connection with any official order or duties. Written documentation submitted by all Department employees shall be truthful and complete, and no employee shall knowingly enter or cause to be entered, any inaccurate, false or improper information. Employees shall submit all necessary departmental reports on time and in accordance with established procedures. **EXCEPTION:** Undercover investigations or toward lawful objectives during an investigation. (This section requires an employee to respond truthfully to any questions under certain conditions. The section is not limited to internal investigations. An employee who is the subject of an internal investigation may be ordered to answer questions, even though the answers might incriminate the employee. Failure to obey an order to answer all questions may result in disciplinary action. However, the answers that the employee gives in such a situation may not be introduced against him/her in a criminal prosecution of the employee. If it is intended that the employee's statements be used in a criminal prosecution, the employee must be given Miranda warnings.)

- II. POLYGRAPH, MEDICAL EXAMINATIONS, PHOTOGRAPHS AND LINEUPS:
1. Polygraph Examinations – In accordance with General Order 05-07, Polygraph Examinations and 07-21, Internal Investigations, Citizen Complaints and Integrity tests, employees may be ordered to submit to a polygraph examination at the direction of the Chief of Police. The severity of the allegation and the lack of other possible sources of evidence are the determining factors as to when an employee may be ordered to submit to a polygraph test. If the Chief of Police determines that it is reasonably necessary to utilize a polygraph examination, as an investigative tool to test the dependability of prior answers given by a suspected employee to questions specifically, directly and narrowly related to his/her official duties, a written order requiring the employee to submit to a polygraph examination may be made
 2. Medical Examination, Photographs, and Lineups. Upon the order of the Chief or the Chief's designee, employees shall submit to any medical, chemical or other tests, photographs, or lineups. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.
- JJ. RESPECT – Department members shall treat superiors, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers shall be referred to by rank. Supervisors are forbidden to injure or discredit those under their authority by tyrannical or capricious conduct or by abusive language.
- KK. USE OF FORCE – EXCESSIVE FORCE VIOLATION – Officers shall not use more force in any situation than is reasonably necessary under the circumstances.
- LL. USE OF FORCE – ALL OTHER VIOLATIONS – Officers shall use force in accordance with law and Department procedures.
- MM. TREATMENT OF PERSONS IN CUSTODY – Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and Department procedures. (General Order 6-10, Restraint, Transportation and Temporary Detention of Custodial Arrestees and General Order 1-6, Search and Seizure)
- NN. USE OF DEPARTMENT EQUIPMENT – Members of the Department shall utilize Department equipment only for its intended purpose, in accordance with established procedures, and shall not abuse, damage, or handle Department equipment in a careless manner. All equipment issued to employees shall be maintained in proper order. Department employees shall not leave issued equipment such as weapons or portable radios in the passenger compartment of any unoccupied Department vehicle or personal vehicle. Whether on or off-duty, employees shall take reasonable precautions to prevent the loss, theft or damage of departmental issued equipment and other property including but not limited to radios, police identification, police uniforms or uniform parts, and weapons. All of the above

listed items or any other item not attached to the vehicle that either exceeds \$250 in value or could be used by an individual to represent him/her self as a Richmond police officer, shall be secured in the trunk of the vehicle or removed from the vehicle when it is parked, while off-duty. Also, especially in the case of vehicles, employees should not be permitted to use Department equipment for personal business, except where specifically provided for by the Department.) (General Order 3-9, Take-Home Marked Vehicle Program) [CALEA 17.5.2]

- OO. OPERATION OF VEHICLES – Employees shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all orders pertaining to such operation. Revocation or suspension of Virginia Operator’s license shall be reported to the Chief of Police immediately.
- PP. OFFICIAL NOTICES/DEPARTMENT BULLETIN BOARDS – Members shall not mark, alter or deface any posted notice of the Department. Posted notices shall not contain derogatory or profane statements directed to any individual or group of persons.
- QQ. POLICE ACTION IN PERSONAL SITUATIONS – Police officers shall not take reports or make arrests in their own situations, or those of their families, except under grave circumstances.
- RR. PRIVACY – No employee shall enter the office, filing cabinet(s) or computer file(s) of another, except for official business or line/staff inspections.
- SS. DUTY TO INFORM – Employees shall *promptly* communicate to their Commanding Officer any violation of the Rules and Regulations, the infraction of which would bring discredit to the Department *as soon as practicably feasible*. Employees will communicate promptly, before end of tour of duty, to a supervisor, any information regarding tips on crimes or criminal activity, or any other relevant law enforcement information, which may come into their possession. *During any regular day off (RDO) or leave status, if an employee observes or learns of alleged misconduct or policy violation, the employee shall notify a supervisor immediately upon return to duty. If the violation, however, is the equivalent of a felony or highly serious in nature or carries the potential of evidence being removed or destroyed, circumstances may require the employee to notify a supervisor prior to their return to duty.* Officers shall report to a supervisor the arrest of any City, State or Federal Officials or their immediate families promptly or before end of tour of duty. (The Department does not expect its employees to inform regarding minor infractions. The rule does require employees to bring to the Department’s attention, instances and behavior that are likely to bring the Department into disrepute.)
- TT. FULL DISCLOSURE – All police employees shall cooperate with any official internal investigation. Therefore, it is the duty of all employees to answer questions of an official nature completely and candidly. Failure to disclose information pertinent to any internal investigation, when requested by a supervisor, either verbally or in writing, shall be considered a violation of Department policy.

- UU. **INEFFICIENCY** – Department members who display a continuous pattern of actions involving poor judgment and conduct leading up to and resulting in disciplinary actions will be subject to termination for inefficiency. The totality of disciplinary actions, number of and type of incidents, including the nature and seriousness of each offense, will be weighed to determine whether an individual’s action(s) meet the inefficiency threshold. [CALEA 26.3.7]
- VV. **INFORMATION SECURITY** – Department members shall comply with all department issued regulations that regulate information technology. Failure to comply with information security protocol will be considered a violation of Department policy. The fourth or subsequent violation will be considered a Level C offense.
- WW. **REPORTING FOR COURT** – Department members shall report to court at the time and place as directed by a supervisor, subpoena or upon issuance of a summons and shall be physically and mentally fit to perform their duties. They shall be properly dressed and equipped in accordance with department guidelines. While there are judicial penalties for ignoring a subpoena or a summons, this section provides for additional administrative action if an employee fails to respond to a subpoena, summons or otherwise directed by a supervisor.
- XX. ***FAILURE TO SUPERVISE*** – *Department members shall properly supervise the work performance of any employee under their command or management and enforce the policies set forth by the Richmond Police Department. A violation of this provision will only be sustained if the supervisor reasonably knew, or upon reasonable inquiry should have known, of their subordinates inadequate work performance or misconduct and the supervisor failed to take appropriate action to correct, address, or prevent the continued inadequate work performance or misconduct. Supervisors who neglect their supervisory or management responsibilities may also subject themselves to disciplinary action.*
- An employee under the command or management of a supervisor includes any employee who is subordinate in the supervisor’s formal chain-of-command or any employee whom the supervisor is responsible for supervising at the time of any misconduct.*

XI. PENALTIES

- A. The Richmond Police Department shall maintain a philosophy of progressive discipline. Disciplinary action for minor infractions is applied in several steps of increasing severity in order to afford the employee the opportunity to correct behavior or inadequate job performance with the minimum level of discipline applied at each step. However, the organizational level of discipline and the progressive sanction may be waived by the Department if the seriousness of the violation warrants. The Appointing Authority is required to consult with Human Resources for approval before initiating any demotion, reduction of pay, suspension more than 10 days or dismissal. Justification for any action taken rests with the Appointing Authority. The Appointing Authority has the option to either increase or decrease any recommended penalty, depending on aggravating or mitigating circumstances as outlined in the Douglas Factors. (see section X.C. of this policy)
1. No action may be taken against any member of the Department covered under this order, except for cause.
 - a) There are two types of actions:
 - (1) Corrective actions
 - (2) Disciplinary actions
 - b) Members against whom corrective action is taken have the right to contest the action to the Department's Disciplinary Review Officer (DRO). Such action will not be subject to further appeal. Corrective action shall be retained in a member's departmental personnel file and City Human Resources for a period of 2 years from the effective date.
 - c) Members against whom disciplinary action is taken are entitled to protection under the City's disciplinary procedures, as defined in the City of Richmond Personnel rules for the Classified Service and Administrative Regulation 4.10.
 2. If the supervisor is absent and has designated a subordinate to act in his or her place, the designated person may exercise the supervisor's disciplinary authority.
 3. Multiple corrective actions within a 2 year period may initiate disciplinary action based on the circumstances.
 4. Multiple disciplinary actions within a 3 year period may initiate more severe disciplinary action based on the circumstances.
- B. Offenses and Penalties:
1. The following list of classifications and penalties shall not be considered as all-inclusive. Additional penalties may include reduction-in-pay and or disciplinary demotion and/or specified training to be determined on a case

by case analysis where unique factors may exist. First offenses of any department regulation other than those outlined below (Example: General Orders, Executive Orders, Memorandums etc.), within a two year period, shall subject the member to a corrective action as defined above. Any subsequent misconduct within the prescribed two year period may subject the member to disciplinary action as determined by the investigating supervisor. [CALEA 26.1.4a]

2. Conduct as described below is prohibited and shall serve as the basis for disciplinary action.

a) CLASS A – MINOR OFFENSE:

Negligible Violation and Disregard of Policy

b) CLASS B – MID-LEVEL OFFENSE:

Increased Severity of violation and disregard of policy

c) CLASS C – MAJOR OFFENSE:

[CALEA 52.2.7]

Critical and very serious violations and disregard of policies

	First Offense	Second Offense	Third Offense
A Offense	Level 1	Level 2	Level 3
B Offense	Level 2	Level 3	Level 4
C Offense	Level 4	Level 5	Level 6
Exceptions:	Rule 34 Truthfulness – Level 6 Rule 47 INEFFICIENCY- Level 6	Rule 34 Truthfulness – <i>Not Applicable</i> Rule 47 INEFFICIENCY- Not Applicable	Rule 34 Truthfulness – Not Applicable Rule 47 INEFFICIENCY- Not Applicable

Level 1 – Corrective action

Level 2 – Reprimand

Level 3 – Reprimand to 3 day suspension

Level 4 – 4 to 10 day suspension

Level 5 – 11 day suspension up to termination

Level 6 – Termination

[CALEA 52.2.7]

Offenses/Violations:	Class	First Offense	Second Offense	Third Offense
AUTHORITY OF ORDERS/INSUBORDINATION	C	Level 4	Level 5	Level 6
ISSUING LAWFUL ORDERS	B	Level 2	Level 3	Level 4
CONFLICTING OR ILLEGAL ORDERS	B	Level 2	Level 3	Level 4
IMMORAL CONDUCT	C	Level 4	Level 5	Level 6
UNBECOMING CONDUCT	B	Level 2	Level 3	Level 4
CONFORMANCE TO LAWS	B	Level 2	Level 3	Level 4
REPORTING FOR DUTY	B	Level 2	Level 3	Level 4
LEAVE	B	Level 2	Level 3	Level 4
FICTITIOUS ILLNESS OR INJURY REPORTS	C	Level 4	Level 5	Level 6
NEGLECT OF DUTY	B	Level 2	Level 3	Level 4
LEAVING DUTY POST	B	Level 2	Level 3	Level 4
SLEEPING ON DUTY	B	Level 2	Level 3	Level 4
SEXUAL ACTIVITY ON DUTY	C	Level 4	Level 5	Level 6
UNSATISFACTORY PERFORMANCE	B	Level 2	Level 3	Level 4
COWARDICE	C	Level 4	Level 5	Level 6
POSSESSION AND USE OF DRUGS	C	Level 4	Level 5	Level 6
ALCOHOLIC BEVERAGES AND DRUGS IN POLICE FACILITIES	C	Level 4	Level 5	Level 6
USE OF ALCOHOL WHILE ON DUTY OR IN UNIFORM	C	Level 4	Level 5	Level 6
USE OF ALCOHOL OFF-DUTY	B	Level 2	Level 3	Level 4
USE OF TOBACCO	A	Level 1	Level 2	Level 3
GIFTS AND GRATUITIES AND BUSINESS OPPORTUNITIES	A	Level 1	Level 2	Level 3
ABUSE OF POSITION	B	Level 2	Level 3	Level 4
ENDORSEMENTS AND REFERRALS	A	Level 1	Level 2	Level 3
ASSOCIATIONS	B	Level 2	Level 3	Level 4
VISITING PROHIBITED ESTABLISHMENTS	B	Level 2	Level 3	Level 4
GAMBLING	B	Level 2	Level 3	Level 4
STATEMENTS AND APPEARANCES	B	Level 2	Level 3	Level 4
IDENTIFICATION	A	Level 1	Level 2	Level 3

Offenses/Violations:	Class	First Offense	Second Offense	Third Offense
COURTESY	B	Level 2	Level 3	Level 4
POLITICAL ACTIVITY	B	Level 2	Level 3	Level 4
LABOR ACTIVITY	C	Level 4	Level 5	Level 6
CONFIDENTIALITY (Dissemination of Information)	C	Level 4	Level 5	Level 6
INTERVENTION/ INTERFERENCE	B	Level 2	Level 3	Level 4
TRUTHFULNESS	C	Level 6	N/A	N/A
POLYGRAPH, MEDICAL EXAMINATIONS, PHOTOGRAPHS AND LINEUPS	C	Level 4	Level 5	Level 6
RESPECT	B	Level 2	Level 3	Level 4
OF FORCE – EXCESSIVE FORCE VIOLATION	C	Level 4	Level 5	Level 6
USE OF FORCE – ALL OTHER VIOLATIONS	B	Level 2	Level 3	Level 4
TREATMENT OF PERSONS IN CUSTODY	C	Level 4	Level 5	Level 6
USE OF DEPARTMENT EQUIPMENT	B	Level 2	Level 3	Level 4
OPERATION OF VEHICLES	A	Level 1	Level 2	Level 3
OFFICIAL NOTICES/DEPARTMENT BULLETIN BOARDS	A	Level 1	Level 2	Level 3
POLICE ACTION IN PERSONAL SITUATIONS	B	Level 2	Level 3	Level 4
PRIVACY	B	Level 2	Level 3	Level 4
DUTY TO INFORM	B	Level 2	Level 3	Level 4
FULL DISCLOSURE	B	Level 2	Level 3	Level 4
INEFFICIENCY	C	Level 6	N/A	N/A
INFORMATION SECURITY PROTOCOL	B	Level 2	Level 3	Level 4
REPORTING FOR COURT	B	Level 2, 0 day suspension from all Volunteer Department Overtime and outside employment and must meet with respective Captain.	Level 3, plus 30 days suspension from all Volunteer Department Overtime and outside employment, and must meet with respective Major.	Level 3, plus 60 days suspension from all Volunteer Department Overtime and outside employment, and must meet with respective Deputy Chief.
<i>Failure to Supervise</i>	<i>C</i>	<i>Level 4</i>	<i>Level 5</i>	<i>Level 6</i>

NOTE: Reporting For Court, Suspension from volunteer Department overtime and outside employment. The established requirements for meeting with supervision will remain in place.

NOTE: This change is different than other progressive discipline as it allows the Officer to receive level 3 consideration two times (2nd and 3rd offenses).

C. Douglas Factors:

In considering aggravating or mitigating circumstances, supervisors will utilize the following factors taken from Douglas v. Veterans Administration, 5 M.S.P.R. 280 305-306 (1981):

1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's work ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7. Consistency of the penalty with any applicable agency table of penalties;
8. The notoriety of the offense or its impact upon the reputation of the agency;
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10. The potential for the employee's rehabilitation;
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and,
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.
13. Any other relevant circumstances or facts that may directly impact the outcome scenarios and/or decision making ability.

D. Other changes by Rule Number

- a) Rule 49 “Reporting for Court” added language Department members shall report to court at the time and place as directed by a supervisor or subpoena or upon issuance of a summons and shall be physically and mentally fit to perform their duties. They shall be properly dressed and equipped in accordance with department guidelines. While there are judicial penalties for ignoring a subpoena or a summons, this section provides for additional administrative action if an employee fails to respond to a subpoena, summons or otherwise directed by a supervisor.

E. Revised Table of Penalties as follows:

- a) Progressive discipline for Class A offenses is now Level 1 (first offense), Level 2 (second offense) and Level 3 (third offense)
- b) Progressive discipline for Class B offenses is now Level 2 (first offense), Level 3 (second offense) and Level 4 (third offense)
- c) Progressive discipline for Class C offenses is now Level 4 (first offense), Level 5 (second offense) and Level 6 (third offense) except for Rule 34 “Truthfulness”
- d) Level 3 now starts at reprimand instead of 1 day suspension
- e) Level 4 now starts at 3 day suspension instead of 6 day suspension
- f) Rule 1 “Authority of Orders/Insubordination” changed from Class B to Class C
- g) New Rule 4 “Immoral Conduct” is a Class C offense (Rule 5 “Unbecoming Conduct” is still a Class B offense”